IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

KINSLEY ROBINSON,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	**CIVIL ACTION NO. 6:11-cv-315**
	§	
ALLEN SAMUELS ENTERPRISES, INC. a/k/a EAST TEXAS DODGE, INC.	§	
	§	
Defendant.	§	

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff Kinsley Robinson files this, his Complaint, against Defendant Allen Samuels Enterprises, Inc., a/k/a East Texas Dodge, Inc. for violating federal law. The causes of action and summary of claims relating thereto are addressed below:

I. PARTIES, JURISDICTION AND VENUE

1. Plaintiff Kinsley Robinson ("Plaintiff" or "Robinson") is currently a citizen and resident of Whitehouse, Texas.

2. Defendant Allen Samuels Enterprises, Inc., a/k/a East Texas Dodge, Inc., (referred to hereinafter as "ETD" or "Defendant"), is a Texas corporation with its place of business in Tyler, Texas. Defendant can be served with process by and through its registered agent for service, Jeff A. Wooley, 301 Owen Lane, Waco, Texas 76710.

3. The court has jurisdiction to hear the merits of Plaintiff's claims under 28 U.S.C. §1331 & §1343. Venue exists in this district and division as detailed in 28 U.S.C. §1391.

4. Plaintiff filed a "Charge of Discrimination" with the Equal Employment Opportunity Commission ("EEOC") in August of 2009, alleging discrimination and harassment based on sex and race, as well as illegal retaliation. A right to sue was issued by the EEOC on March 31, 2011. This action is being commenced within the required statutory-time limits under Title VII and 42 U.S.C. §1981 *et seq.*

III. FACTUAL BACKGROUND

5. Plaintiff was employed by ETD as lube technician from December of 2006, until he was terminated in April of 2009.

6. Plaintiff is a non-Caucasian American male, having skin color and physical features that would place him in the commonly referred to classification of "Black" or "African-American." He possesses distinct racial features and ethnic characteristics that are different from Caucasian or "white" Americans.

7. During Plaintiff's employment with ETD he was subjected to a racially and sexually hostile working environment. The discriminatory incidents included, but were not limited to: (1) the Service Manager calling him "nigger" and allowing others to use that word constantly in the shop; (2) the Service Manager telling him that "black workers" were not as a good as Hispanic workers, and because of that he was going to replace him; (3) numerous crude racial and sexual pranks and jokes; (4) the Service Manager calling Plaintiff "stupid" and "slow"; (5) the Service Manager saying Plaintiff should be "lynched"; (6) the Service Manager touching Plaintiff's buttocks; and (7) the Service Manager asking about the size of Plaintiff's penis.

8. Plaintiff complained about the harassing and discriminatory conduct to various managers and supervisors at ETD, but his concerns were not investigated or addressed. Moreover, Defendant failed to take any action to rectify the situation.

9. In April of 2009 Plaintiff again complained about the harassment and discrimination, and a few days later Plaintiff was terminated. Defendant's reasoning for terminating Plaintiff were merely pre-textual, as the real reasons Plaintiff was terminated was his race, and in retaliation for complaining about racial and sexual harassment/discrimination in the workplace.

III. CAUSES OF ACTION

A. VIOLATION OF TITLE VII & 42 U.S.C. 1981

10. Plaintiff realleges and incorporates the allegations contained in Paragraphs 1 through 9 as if fully stated herein.

11. Plaintiff satisfied all jurisdictional prerequisites in connection with his claims under the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §2000e *et. seq,* 42 U.S.C. §1981, and 42 U.S.C. §1981(a).

12. Defendants are "employers" as defined by Title VII.

13. Plaintiff was an "employee" as defined by Title VII.

14. Plaintiff's claims of intentional harassment/discrimination and retaliation pursuant to contract under 42 U.S.C. §1981 and 42 U.S.C. §1981(a), are brought pursuant to the requirements and obligations of those statutes.

15. As described above, Defendant intentionally and willfully violated Title VII, and 42 U.S.C. 1981, by sexually and racially harassing Plaintiff, and terminating him because of his race, and in retaliation for making complaints of racial and sexual harassment/discrimination. This discrimination, harassment, and retaliation affected the terms and conditions of Plaintiff's employment, including, but not limited to, Defendant's termination of Plaintiff.

16. Defendant does not have adequate policies or procedures in place to address the harassment or discrimination, nor did they implement prompt remedial measures.

17. As a result of Defendant's violations, (as mentioned above), Plaintiff has suffered actual damages in the form of lost wages and benefits, (past and future), in an amount that has not yet been fully established, but which can be estimated for the purpose of bringing this lawsuit. Plaintiff has also suffered mental trauma, loss of enjoyment of life, and other losses.

18. As a result of these willful and intentional violations of federal law mentioned above by Defendant, Plaintiff requests that he be awarded all compensatory and punitive damages to which he is entitled, equitable and/or injunctive relief, and attorney fees and costs.

IV. JURY DEMAND

Plaintiff requests trial by jury on all claims.

VI. PRAYER FOR RELIEF

Wherefore, Plaintiff requests that on final trial, Plaintiff have judgment against Defendant as follows:

a. Judgment against Defendant for actual damages, including lost wages and benefits (both back pay and front pay), the sum to be determined at time of trial;

b. Judgment against Defendant for compensatory damages in the maximum amount allowed by law;

c. Judgment against Defendant for punitive damages in the maximum amount allowed under law;

d. An order that Defendant take such other and further actions as may be necessary to redress Defendant's violation of Title VII and 42 U.S.C §1981;

e. Pre-judgment and post-judgment interest at the maximum amount allowed by law;

f. Costs of suit, including attorney's fees; and

g. The award of such other and further relief, both at law and in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

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